

Media Release

Statement from Hamilton Police Chief Glenn De Caire

For Immediate release: September 18th, 2012
Hamilton, ON

In 2010, the Hamilton Police Service undertook a major drug investigation which resulted in the execution of 18 Search Warrants, 49 persons arrested, and the removal of over \$400,000 in drugs from our streets.

On May 4, 2010, Officers carried out the search warrant and entered the apartment at an address that proved to be wrong. During the process of securing the residence, Mr. Po La Hay was injured.

I immediately met with the family, accepted responsibility, apologized, and made a commitment to review the matter in its entirety with the goal of preventing future recurrence. Mr. Hay and his family did nothing wrong.

The Hamilton Police Service contacted the Office of the Independent Police Review Director and requested an investigation. This did not materialize and the Hamilton Police Service contacted the Ontario Provincial Police and requested that they conduct an internal investigation into the matter.

On June 7, 2010, the Special Investigations Unit took over the investigation when new evidence confirmed Mr. Hay sustained injury meeting the SIU mandate. All officers co operated and attended for interviews, some twice.

The SIU advances the intention of the legislature to vest independent and transparent oversight of police conduct in the public interest. The Hamilton Police Service supports that oversight role. In fact, the Hamilton Police Service has the highest level of cooperation of all police Services in Ontario.

The SIU laid criminal charges against a Hamilton Police Officer. While the charges were before the court, all other investigations were halted, at the request of the Attorney General, until the criminal matter was adjudicated.

On August 4, 2011 the criminal trial concluded.

His Honour Justice Currie, in hearing the criminal charges laid by the SIU, acquitted the officer and the charges were dismissed. This finding came after a 5 day trial and the public airing of all the evidence.

Justice Currie made comments in his judgment concerning the evidence of the officers. This opinion of the Justice was issued separate and apart from the review of evidence and acquittal on the criminal charges.

Hamilton Police immediately ordered a full transcript of the trial and conducted a review of the evidence. We also contacted the Ontario Provincial Police and requested that they expand the internal investigation to include the comments of Justice Currie.



Hamilton Police Service

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The OPP have completed their investigation. The OPP found no evidence to support the comments of Justice Currie.

The OPP did substantiated potential misconduct arising out of the same incident and same set of facts identified by the Provincial Special Investigations Unit which resulted in the laying of a criminal charge against a Hamilton officer.

As we know, that criminal charge was publicly tried and dismissed. The OPP extensive investigation addressed 20 officers involvement in this case, not just the 5 officers that testified at trial.

Given the decision of Justice Currie to dismiss the criminal charge and his thorough analysis of the force related sections of the Criminal Code, there is no reasonable prospect of conviction in a police tribunal setting and previously laid Police Service Act charges have been withdrawn.

Justice Currie did address the issue that a 'finding of liability may take place in another court'. This refers to the civil courts and the civil action taken by Mr. Hay has been concluded to the satisfaction of the parties involved.

On May 4, 2012, I met personally with Mr. Hay, and his family members. I offered my personal apology and shared with him the positive steps already taken to prevent this from happening. Mr. Hay has accepted my apology.

As a Service we continue to meet with the larger Karen community to help foster improved relations and have done so for many years.

The OPP Section 11 investigation results have been reviewed by the Police Services Board yesterday in the regular scheduled meeting.

The Hamilton Police Service did not wait for any investigation to conclude before we took immediate corrective action. This Service has already enhanced our procedures.

We have assessed our practices and procedures for entries during search warrants.

- We have improved our Standard Operating Procedures for Warrant Execution,
- This includes operational plan templates,
- Inserted a Search Warrant Execution form which includes Supervisory review of all warrants, and an independent supervisory check of addresses prior to warrant execution.

Additionally, officers have received training by a Crown Attorney with expertise on the legal issues surrounding court authorized entries. Further, a policy change has been instituted that directs every member of the Service, that uses force that results in injury, to submit an individual report and Team Reports are not permitted in warrant situations except by our Emergency Response Unit officers.

These changes have been in place for almost 2 years now. In 2010 the Hamilton Police Service completed 110 search warrants and in 2011 we completed 134. To date in 2012 we have carried out 129 search warrants.

No criminal justice system, No law enforcement agency is, or can be, perfect. It's how we deal with the errors that are the hallmark of how we are to be measured by the public. We are confident that the new procedural changes will reduce the likelihood of a similar event in the future. We remain focused on our new procedure.

I can never guarantee we will not make a mistake but what I can commit to is taking corrective actions, as has been done, and as an organization, we continue our ongoing work to foster healthy relationships between the police and the communities we serve.

On behalf of the men and women of the Hamilton Police Service, We are committed to the core values of providing excellence in policing and the men and women of this Service will continue to strive 'To Be The Best'.

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